

**ZONING ADMINISTRATOR
NOTICE OF DECISION**

Date: May 1, 2014
Applicant: Zayca Fitness and Wellness, LLC
Case No.: PCC-14-021
Address: 1059 Tierra Del Rey, Suite C, Chula Vista, Ca.
A.P.N.: 640-293-31
Project Planner: Jeff Steichen, Associate Planner

Notice is hereby given that on April 24, 2014, the Zoning Administrator considered Conditional Use Permit Application PCC-14-021 filed by Zayca Fitness and Wellness, LLC ("Applicant"), within the center located at 1059 Tierra Del Rey, Chula Vista, CA ("Project Site") The Property is owned by Soloman & Benjamin, LLC ("Property Owner") The proposed Project is more specifically described below:

The Applicant requests approval to allow the establishment of a health and wellness educational facility providing instruction in fitness, strength and conditioning within a 1,738 square-foot suite located at 1059 Tierra Del Rey. The applicant will use this location to provide classes in a variety of topics related to fitness and wellness. The small sizes of the classes will allow for more one on one interaction between the facilitator and participants

The Development Services Director has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has determined that the project qualifies for a Class 1 Categorical Exemption pursuant to 15301 (Existing Facility) of the State CEQA Guidelines. The proposed project consists of negligible or no expansion of an existing use. Thus, no further environmental review is necessary.

The Zoning Administrator, under the provisions of Section 19.14.030 A of the CVMC, has been able to make the Conditional Use Permit findings as required by CVMC Section 19.14.080 as follows:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or community.**

The approval of this project will enable the applicant to use the project site to provide a health and wellness facility which would provide a convenient and desirable use for citizens residing in Chula Vista and specifically in the Rancho Del Rey Community.

- 2. That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.**

The operation of the health and wellness educational facility has been designed and conditioned to avoid potential health, safety and noise impacts to nearby residents and businesses. Adequate parking will be available in that five (5) exclusive parking spaces are available for the proposed use during daytime hours Monday – Friday and ten (10) are available beginning at 4 p.m. daily and on weekends. Class sizes will be limited to a maximum of five (5) participants during the morning sessions and ten (10) participants

during the evening and weekend sessions. There will be a maximum of three (3) employees/facilitators on-site at any one time. The granting of the conditional use permit enables the City to protect the character and quality of life for the area residents in the least restrictive manner.

- 3. That the proposed use will comply with the regulations and conditions specified in the code for such use.**

The health and wellness facility is located in an area zoned EP-1B (Employment Park) and is designated as an recreational facility in that zone, and thus requires approval of a Conditional Use Permit by the Zoning Administrator. The granting of this Conditional Use Permit is conditioned to require the Applicant and Property Owner to fulfill its conditions of approval and to comply with all applicable regulations and standards specified in the Rancho del Rey Sectional Planning Area (SPA) 1 Plan, City of Chula Vista Municipal Code (CVMC), and the California Building, Fire and other applicable codes, for such use. These conditions will be enforced through building plan review, inspections prior to occupancy of the use and subsequent operation of the business. The project will comply with all regulations and conditions specified in the CVMC for uses established under PCC-14-021.

- 4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.**

This Conditional Use Permit is in compliance with the General Plan, Zoning Ordinance, and land use designations listed therein. It will not alter land use patterns of the General Plan. The General Plan designation is Industrial and is implemented by the EP-1B (Employment Park) Zoning Designation which allows for an recreational facility with a Conditional Use Permit per section IX-A 1(D)(5) of the Rancho Del Rey SPA 1.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-14-021 as described above subject to the following conditions:

- I. Prior to issuance of building permits and/or the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:**

PLANNING DIVISION

1. The Project Site shall be developed and maintained in accordance with the PCC-14-021 approved plans, as amended herein, which include site plans and floor plans on file in the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy

on the lines provided below, said execution indicating that the Property Owner and the Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner's and Applicant's desire that the project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Signature of Authorized Representative

Date

3. The Applicant shall apply for and obtain a sign permit for any required site/business identification signs from the Development Services Department in accordance with the Chula Vista Municipal Code Chapter 19.60.

BUILDING DIVISION

4. The Applicant shall apply for required building permits. Permits shall comply with applicable codes and requirements, including but not limited to the 2013 California Building Code (CBC), 2013 California Residential Code, 2013 Fire Code, 2013 California Mechanical Code, 2013 California Plumbing Code, 2013 California Electrical Code, 2008 California Energy Code and 2013 California Green Building Standards as adopted and amended by the State of California and City of Chula Vista.
5. Applicant shall be required to obtain a Certificate of Occupancy prior to occupancy of the suite.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

1. Class hours and size shall be limited to the following:

Monday – Friday	Morning Sessions 6:00 a.m. – 12:00 p.m. (max. 5 patrons/class)
	Evening Sessions 4:00 p.m. - 9:00 p.m. (max. 10 patrons/class)

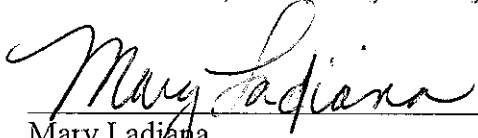
Saturday	Morning Sessions 9:00 a.m. – 12:00 p.m. (max. 10 patrons/class)
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Expansion of class hours and size shall require approval of a modification to this Conditional Use Permit by the Zoning Administrator.

2. The business shall be operated in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
3. This Conditional Use Permit authorizes only the use specified in the application for PCC-14-021. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.
4. This permit shall become void if not used or extended within three years of the effective date thereof in accordance with Section 19.14.260 of the Chula Vista Municipal Code. Failure to comply with the any conditions of approval shall cause this permit to be reviewed by the City for additional conditions or revocation.
5. Approval of this Conditional Use Permit shall be for a period of three years, with an expiration date of May 1, 2017. The applicant may request an extension of time from the Zoning Administrator. The Zoning Administrator shall review this conditional use permit for compliance with the conditions of approval, and shall determine, in consultation with the applicant, whether the project shall be modified from its original approval.
6. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
7. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.

8. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 1st day of May, 2014



Mary Ladiana,
Zoning Administrator

cc Scott Donaghe, Principal Planner
Zarda Vargas/1885 Marquis Ct.